

**WEST VALLEY CITY
PLANNING COMMISSION
MINUTES**

March 11, 2009

The meeting was called to order at 4:06 p.m. by Chairman Harold Woodruff at 3600 Constitution Boulevard, West Valley City, Utah

WEST VALLEY CITY PLANNING COMMISSION MEMBERS

Harold Woodruff, Brent Fuller, Terri Mills, Phil Conder, Mary Jayne Davis,
Joe Garcia, and Jason Jones

ABSENT:

Jack Matheson

WEST VALLEY CITY PLANNING DIVISION STAFF

Steve Pastorik and Nichole Camac

WEST VALLEY ADMINISTRATIVE STAFF:

Tim Bywater, Assistant City Attorney

AUDIENCE

Approximately ten (10) people were in the audience

CONDITIONAL USE APPLICATIONS:

C-1-2009

K.D.A Business Park Reception Center

3572 South 1950 West

C-2 Zone (.55 Acres)

The following application was continued from the February 25, 2009 hearing to allow time for the applicant to submit additional information regarding the parking and uses on site.

The applicant, Delyle Billings, is requesting a conditional use permit for a Reception Center at 3572 South 1950 West. The zoning for this area is C-2, General Commercial. The West Valley City General Plan anticipates General Commercial uses for this area. The surrounding zones are C-2, A and R-1-8. The use is proposed in a building that is part of a larger office/warehouse complex. There is single family residential located to the west, a residential condominium project to the south, an auto repair/storage lot to the north and additional commercial uses located to the east.

Mr. Billings is proposing to utilize 7,000 square feet of an existing building on site for a reception center (5,000 reception area and 2,000 sqft kitchen, restroom and storage area). Mr. Billings has indicated that the facility will primarily be used for wedding receptions and birthdays parties, all of which will be private parties, where guests will be attending events by invitation only and that events held here will not be open to the general public.

Parking is typically a concern for this type of use and parking is required at 1 space/50 square feet of floor area. Which would equal 140 parking spaces for the 7,000 square foot reception center. A site review was conducted and there are 156 parking spaces on site. However, these spaces are also used by the other businesses in this complex, which was developed as a commercial condo project, so there are a variety of land owners. The parking is currently all owned by Mr. Billings, and there is a shared access agreement for the businesses to use the parking lot during business hours. The reception center would operate from 6:00 p.m. – 10:00 p.m. and Mr. Billings has indicated that the majority of the businesses close by 6:00 p.m. There is a dance studio located on the west side of the site that closes at 8:00 p.m. Monday – Thursday and a church that is located in the same building as the reception center that has some evening services for a very small congregation. Staff has attached a copy of the shared parking calculations showing that there is enough parking for the mix of uses and the hours of operation for the businesses at this location. However, if the tenant mix or hours of operation change at this location another parking study would need to be conducted to verify compliance. Parking will also be monitored by staff as new business licenses are submitted at this location.

Noise is also a concern at this location due to it's proximity to residential uses. The building is within 500' of residential property so this use will be required to meet the following requirements from the West Valley City Code:

7-6-1012. ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND PRIVATE CLUBS.

(1) It is unlawful for the keeper, manager or person in charge of any restaurant, dance hall, concert hall reception center or private club to permit any singing, dancing,

playing of musical instruments or any other form of amusement or entertainment to be carried on the premises when the closest point of the building is within 500 feet of any residential property line after ten o'clock P.M. (10:00) P.M. and before six o'clock (6:00) A.M. This restriction should be extended to two o'clock (2:00) a.m. on January 1 of year for New Year's Day.

(2) Parking lots must be closed and vacated within thirty (30) minutes of closing by security personnel.

In addition to the limited hours of operation, Mr. Billings has also indicated that in an effort to minimize the impacts to the adjacent residences, that the primary parking area for the reception center will be located along the north side of the site and that the south side would only be used on a limited basis if necessary.

Signage has not been submitted at this time however, there is an existing multi tenant monument sign on the property that the applicant may utilize. Any wall signs would be required to meet the West Valley City Sign standards as well.

Staff Alternatives:

Approval, to allow for the resolutions of any issues raised at the public hearing as well as the following:

1. The occupancy requirements must be in accordance with the West Valley City Fire and Building Inspection Departments requirements.
2. The parking for this use must be located in properly designated parking areas on site and must be located on asphalt or concrete as approved by West Valley City. Gravel can not be used for surfacing for the parking and 1950 West can not be utilized for parking.
3. Parking for the reception center is encouraged along the north side of the building and the south side should be used on a limited basis.
4. The parking area is shared between several businesses on site but the mix of uses and hours of operation shall always comply with the shared parking calculations set forth in Chapter 7-9 of the West Valley City Municipal Code.
5. If the site is further developed, as proposed in the Billings Office/Warehouse development, the parking for this site shall be re-evaluated.
6. This use shall adhere to the requirements set forth in 7-6-1012 ADDITIONAL REGULATION OF RESTAURANTS, DANCE HALLS, CONCERT HALLS, RECEPTION CENTERS AND PRIVATE CLUBS.
7. The hours of operation for the reception center shall be from 6:00 p.m. – 10:00 p.m. Monday-Thursday and 6:00 p.m. – 11:00 p.m. on Fridays and Saturdays.

8. Security and Medical personnel may be required on site as determined by the West Valley City Fire and Police Departments.
9. All signage shall meet the requirements set forth in the West Valley City Sign Ordinance.
10. This use is subject to review upon a valid complaint.

Continuance, to allow for the resolutions of any issues raised at the public hearing or to allow the applicant time to conduct a parking study and prepare an accurate site/parking plan.

Applicant:

Delyle Billings
6725 S. 1405 E.
SLC, UT 84121

Opposed:

Claudia Tripp
3613 Stonecreek Dr.

Opposed:

Norma Wells
1998 W. 3605 S.

Discussion: Steve Pastorik presented the application. The applicant, Delyle Billings, stated that he thought the hours of operation permitted him to be open until midnight. Steve replied that the ordinance doesn't list any type of closing provision for a reception center. Mr. Billings stated that he thought this was something Jody Knapp had included in the previous analysis. Harold Woodruff stated that the closing time is not a requirement by the ordinance but is something that the Planning Commission wished to include. Terri Mills questioned if 6 p.m. would be the time when guests arrived or the beginning of setup. Mr. Billings replied that setup would most likely begin at 6 p.m. but it would be helpful if setup could begin at 5 p.m. Steve Pastorik indicated that his understanding is that 6 p.m. would be the time guests arrive and Chairman Woodruff added that since setup generally requires a minimum number of people, 5 p.m. shouldn't be a problem. Delyle Billings stated that parking would be on the north side unless that becomes filled but he doubts this will be a problem based on the calls he has received regarding the reception center.

Claudia Tripp, a neighbor to the south, stated that she has lived near this site for 8 months. She indicated that she feels there will be a problem with minorities renting out the reception center and causing problems involving alcohol and violence on site. She stated that she feels security is a necessary precaution on this site and would benefit Mr. Billings, guests of the reception center, and neighbors. Ms. Tripp expressed concern about the previous use, Rio Nilo, and the various problems associated with that business.

Harold Woodruff indicated that security and medical personnel may be provided for an event as determined by the Police and Fire Departments. Jason Jones asked if there are any examples of a similar facility in the City. Steve Pastorik replied that there was a reception center on Redwood Road. Commissioner Jones questioned if staff is aware of any complaints of violence from that site. Steve stated that he is unaware of any complaints but indicated that staff is generally not notified with this type of information. Mary Jayne Davis stated that she has lived near a reception center and indicated that people generally attend receptions in their best clothes and come with the best intentions. She stated that she appreciates Ms. Tripp's concerns but wants to

reassure her that there will likely be no serious problems and this is a completely different use than Rio Nilo. Joe Garcia stated that parking will be utilized on the north end of the reception center and the Planning Commission has expectations of security being provided in problematic situations. Norma Wells, another resident to the south, stated that she understood no security would be provided. Harold Woodruff clarified that West Valley City Fire and Police Departments will determine the need for security on an individual basis.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Conder moved for approval subject to the ten staff conditions

Commissioner Fuller seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Jones	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous -C-1-2009– Approved

C-2-2009

Mark Noack

3601 South Constitution Blvd

General Commercial (C-2) zone, 0.7 acres

Staff Presentation by Hannah Thiel, Planner I

Background

Mark Noack with In-N-Out is requesting a conditional use amendment for a fast food restaurant adjacent to the Valley Fair Mall at 3601 South Constitution Boulevard. The original conditional use was approved for this location in 1973 for the existing Valley Fair Mall. The subject site is the previous Big O Tire site. This application is an amendment to the initial conditional use permit. A fast food establishment is a conditional use in the 'C-2' or general commercial zone. In-N-Out is proposed to be built on 0.7 acres of land. The General Plan designates this property as City Center.

The applicant has noted in the attached letter that the fast food restaurant is operated Monday through Sunday, from 10 am to 2 am. This proposed project consists of 35 parking spaces where 37 spaces are required. The owners of In-N-Out will sign an agreement with the Mall owners that will allow them use of at least two parking spaces on the Mall's property. The applicant is proposing to use a tile roof for the building rather than a metal roof if the tile roof could be considered the third required Building Design Treatment per the Commercial Design Standards for the primary façade. The park strip along Constitution Boulevard will be

landscaped with street trees maintaining the street improvements along the Mall frontage on Constitution Boulevard. In-N-Out has some landscaping and outdoor eating space, which is in compliance with the landscape ordinances. A deceleration lane will need to be added to the South of the project along Constitution Boulevard to accommodate right turns into the project. The applicant is proposing a seven foot tall monument sign as shown on the site plan. This monument sign meets the minimum setback of seven feet as setbacks for signs in the Mall development are to be measured from the curb rather than the back of sidewalk. However, the sign will still need to maintain a minimum of a one foot setback from the sidewalk. In the Study Session meeting on March 4, 2009 Planning Commission members issued concern regarding the lack of an escape lane for the drive through. The applicant has specifically designed the site to fit the needs of In-N-Out customers and will be available to comment on the Planning Commission's concerns at the Public Hearing.

The property on the South, North, and East sides of the project are zoned C-2 and are designated City Center under the General Plan. The property to the West of 3601 South Constitution Boulevard is zoned City Center and is designated City Center under the General Plan. As the property on all sides of the project is zoned for commercial uses, staff does not see this use adversely affecting neighbors or neighboring zones.

Recommendations/ Staff Alternatives

- Approval subject to any issues raised at the public hearing as well as the following conditions:
 1. That the applicant shall meet all City Ordinances for all West Valley City Departments.
 2. That a building permit shall be obtained for the proposed signs, and that the elevations for the monument sign return to the Planning Commission for review in a Study Session.
 3. That the proposed pedestrian path be constructed of stamped concrete or colored asphalt as per the Commercial Design Standard Ordinance.
 4. That a parking agreement be recorded with Salt Lake County Recorder's Office that would allow In-N-Out the use of a minimum of two parking stalls on the Mall property.
 5. That the tile roof be used in place of one of the Building Design Treatment options to create a more cohesive feel in the mall development.
 6. That the Planning Commission reviews this application upon receipt of valid unresolved complaints.
- Continuance, for resolution of any issues that may arise at the public hearing.
- Denial of Conditional Use Amendment for proposed fast food restaurant.

Applicant:

Mark Noack
13502 Hamburger Lane
Baldwin Park, CA 91706

Discussion: Steve Pastorik presented the application. Mark Noack, representing In-N-Out Burger, stated that he has had several meetings with staff to initiate this application. He indicated that this is a fast food restaurant and there will be 50-60 full and part time employees hired. He also stated that he has read and accepts all the

conditions presented by staff in the analysis. Phil Conder stated that there has been some discussion on the necessity of an escape or bypass lane. He explained that the Planning Commission felt concerned about what a customer would do in the event of an emergency. Mr. Noack replied that there is a 6 inch curb that could be driven over if there is a serious emergency while someone is in line. He indicated that in 60 years of business, there has never been a need or requirement for an escape lane and added that In-N-Out is efficient in managing people through a drive through. Commissioner Conder questioned what would happen if a vehicle were to break down in the drive through. Mr. Noack replied that members of staff would help physically push it out of the drive through. Terri Mills expressed concern about the anticipated 7 foot tall monument sign and stated that she would encourage a smaller sign for this highly pedestrian trafficked area. Mr. Noack stated that the sign will likely be custom and In-N-Out will come back with a proposal to ensure that the City and the Planning Commission have a chance to review the sign and determine whether it is appropriate.

There being no further discussion regarding this application, Chairman Woodruff called for a motion.

Motion: Commissioner Fuller moved for approval subject to the 6 conditions listed by staff.

Commissioner Davis seconded the motion.

Roll call vote:

Commissioner Conder	Yes
Commissioner Davis	Yes
Commissioner Fuller	Yes
Commissioner Garcia	Yes
Commissioner Jones	Yes
Commissioner Mills	Yes
Chairman Woodruff	Yes

Unanimous -C-2-2009– Approved

PLANNING COMISSION BUSINESS

Approval of minutes from February 25, 2009 (Regular Meeting) **Approved**

Approval of minutes from March 4, 2009 (Study Session) **Approved**

There being no further business, the meeting adjourned at 4:35 p.m.

Respectfully submitted,

Nichole Camac, Administrative Assistant